



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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June 4, 2007

The Honorable Andre Bauer
President of the Senate
State House, 1st Floor East Wing
Columbia, SC 29202

Dear Mr. President and Members of the Senate:

I am hereby returning without my approval S. 174, R-58. This veto is based upon my belief that S. 174, R-58, is unconstitutional.

This bill increases payments for each member of the Horry County Transportation Committee from \$75 to \$100 for each meeting attended. The bill also allows an additional \$100 payment to the chairman of this committee for each meeting.

The state Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." South Carolina Constitution Article III, Section 34 (IX). The General Assembly has established a general statute that prohibits county transportation committees from using "C" funds to pay per diems as administrative expenses. *See* S.C. Code § 12-28-2740(B), as amended. It is unconstitutional for the General Assembly to pass special legislation like S. 174, R-58, in contravention of general law. Each county's transportation committee should be subject to the same general law either allowing or disallowing per diems. Legislation like S. 174, R-58, demonstrates the policy basis for Article III, Section 34's, directive that special legislation be avoided in all cases where general legislation can be enacted.

Additionally, S. 174, R-58, affects only Horry County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7, of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

In summary, I believe the specific nature of S. 174, R-58, renders this Act unconstitutional. For this reason, I am returning S. 174, R-58, to you without my signature.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Sanford", written over a horizontal line.

Mark Sanford